

LAW OFFICES OF  
FREDERICK K. BREWINGTON

ATTORNEYS AND COUNSELORS AT LAW

556 PENINSULA BOULEVARD  
HEMPSTEAD, N.Y. 11550-4282

TELEPHONE: (516) 489-6959

FACSIMILE: (516) 489-6958

FREDERICK K. BREWINGTON

IRA FOGELGAREN

GREGORY CALLISTE, JR.

VALERIE M. CARTRIGHT

G. WILLIAM GERMANO, JR.

MARJORIE MESIDOR

VIA FACSIMILE

The Honorable Andrew J. Peck  
United States Courthouse  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Smith-Toussaint v. JPMorgan Chase, et al.  
10-CV-01773 (LTS) (AJP)

Dear Magistrate Peck:

This office represents Plaintiffs, Lenworth Smith and Yves Toussaint, in the above referenced matter. In accordance with Your Honor's directives, this letter is being respectfully proffered by Plaintiffs to advise the Court regarding Plaintiff's position on consolidating the pending state court actions under Camulaire and Smith v. Chase, et al., Index Number 115454/2005 and Toussaint v. Chase, et al., Index Number 112511/2006 with the instant action.

On or about September 29, 2010, Plaintiffs made, and the Court granted, an application for an extension of time to notify the court of their decision by today. Plaintiffs' attorneys for both the federal and state matters have had great difficulty in coordinating their schedules until yesterday evening. A meeting has been scheduled for Wednesday, October 13, 2010 to resolve the matter. As such, we respectfully request an extension of time until October 15, 2010 to fully examine the issue.

We thank the Court for its consideration of our request.

Respectfully Submitted,

  
MARJORIE MESIDOR

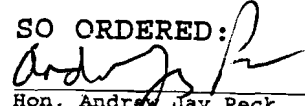
cc: Robert Whitman, Esq. (via facsimile)  
Michael Jannuzzi, Esq. (via First Class Mail)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC# \_\_\_\_\_  
DATE FILED: \_\_\_\_\_

MEMO ENDORSED  
October 8, 2010  
APPROVED. *W/S/10*

BY ECF

SO ORDERED:

  
Hon. Andrew Jay Peck  
United States Magistrate Judge

*W/ECF, AU Court  
Jep Serrin*

